IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6776 of 1999

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SURESH KUMAR R JADAV

Versus

UNION OF INDIA

Appearance:

MR AKIL KURESHI for Petitioner

MR MUKESH R SHAH for Respondent No. 3

MS PJ DAVAWALA for Respondent No.1 & 2

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 28/02/2000

ORAL JUDGEMENT

1. Rule. Ms. P.J. Davawala waives service for respondent nos.1 and 2 and Mr. M.R. Shah waives service for respondent no.3. On a joint request of the learned counsel for the respective parties this petition is taken up for final hearing today.

2. As a result of the hearing and discussion it becomes obvious that the impugned order at Annexure-F to the present petition is based on a total non-application of mind or on a total misconception of the facts as it appeared from the record. The impugned order at Annexure-F is, therefore, quashed and set aside, and the Government of India through the Ministry of Labour, New Delhi is directed to redecide the matter afresh on merits, after taking into consideration such submissions of the concerned workman which are on record or which may be placed on record by the workman when the matter is taken up for redeciding the same under the present orders. The workman may place his written submissions on record latest by 31st March 2000. The respondent no.3 herein shall redecide the matter on merits without in any way being influenced by the impugned order at Annexure-F, as expeditiously as possible and in any case before 31st September 2000.

3. This petition is accordingly allowed in the aforesaid terms. Rule is made absolute with no order as to costs.

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